



BENJAMIN A. KAHN
UNITED STATES BANKRUPTCY JUDGE

Dated: July 29th, 2022

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

In re:) Chapter 11
)
Blackjewel, L.L.C., et al.,) Case No. 19-30289
)
Debtors.¹) (Jointly Administered)

**STIPULATION AND AGREED ORDER RESOLVING
PROOF OF CLAIM NO. 1182 FILED BY JEFFERY A. HOOPS, SR.**

David J. Beckman, in his capacity as the liquidation trustee (the “Trustee”) for the Blackjewel Liquidation Trust (the “Trust”), successor for certain purposes to the debtors and debtors-in-possession in the above-captioned chapter 11 cases (collectively, the “Debtors”) and Jeffery A. Hoops, Sr. (together with the Trust, the “Parties”) hereby enter into this agreed order (the “Order”) and agree as follows:

¹ The former Debtors in these chapter 11 cases and the last four digits of each former Debtor’s former taxpayer identification number were as follows: Blackjewel, L.L.C. (0823); Blackjewel Holdings L.L.C. (4745); Revelation Energy Holdings, LLC (8795); Revelation Management Corporation (8908); Revelation Energy, LLC (4605); Dominion Coal Corporation (2957); Harold Keene Coal Co. LLC (6749); Vansant Coal Corporation (2785); Lone Mountain Processing, LLC (0457); Powell Mountain Energy, LLC (1024); and Cumberland River Coal LLC (2213). The mailing address for each of the former Debtors is located at 999 17th Street, Suite 700, Denver, Colorado 80202, Attn: David J. Beckman.

WHEREAS, on October 4, 2019, the Court entered the *Order (I) Approving the Sale of Certain Assets to Eagle Specialty Materials, LLC Free and Clear of Liens, Claims, Encumbrances, and Other Interests, (II) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (III) Granting Related Relief* (ECF No. 1187) (the “Riverstone Settlement Order”), which, *inter alia*, resolved Riverstone Partners – Direct, L.P.’s (“Riverstone”) proofs of claim against the estate by requiring the Debtors and ESM to pay to Riverstone “the total amount of \$32 million in cash comprised of (a) \$24 million in cash to be paid by ESM on the Effective Date and (b) \$8 million in cash to be paid by the Debtors on the Effective Date[,]” and instructing Riverstone to “transfer into the registry of this Court amounts that would otherwise be distributable to Jeffery Hoops and/or any of his affiliates pending further direction by the Court or further Court order;”

WHEREAS, on October 19, 2019, the Debtors and ESM deposited the “amounts that would otherwise be distributable to Jeffery Hoops and/or any of his affiliates” as stated in the Riverstone Settlement Order into the Court’s registry directly (the “Registry Funds”), instead of transferring such amounts to Riverstone and then Riverstone transmitting those amounts to the Court (ECF 1294);

WHEREAS, on October 31, 2019, Jeffery Hoops filed proof of claim number 1182 against Blackjewel, L.L.C. (“Claim No. 1182”), which asserted a right to the Registry Funds;

WHEREAS, the Parties have determined that it is in their respective best interests to resolve all matters relating to Claim No. 1182 consensually and without resorting to additional litigation;

NOW, THEREFORE, the Parties hereby stipulate and agree, subject to Court approval, as follows:

1. Upon entry of this Order, Claim No. 1182 shall be deemed withdrawn by Jeffery Hoops and Jeffery Hoops does and shall waive all asserted right, title, and interest in and to the Registry Funds.

2. As soon as is practicable following entry of this Order, the Court shall release and disburse the Registry Funds, including all accrued interest (less the registry fee as authorized by the Judicial Conference of the United States) to the Trust at 999 17th Street, Suite 700, Denver, Colorado 80202, Attn: David J. Beckman.

3. The Trust and its claims and noticing agent, Kroll Restructuring Administration LLC (f/k/a Prime Clerk), are authorized to take any and all necessary actions to update the claims register in these chapter 11 cases and give effect to the terms of this Order.

4. Except as otherwise set forth herein, nothing in this Order shall be deemed: (a) an admission as to the validity of any proof of claim against a Debtor; (b) a waiver of any party's right to dispute any proof of claim on any ground; (c) a promise or requirement to pay any proof of claim; or (d) a waiver of the Trust's rights under the Bankruptcy Code or any other applicable law.

5. For the avoidance of doubt, nothing in this Order shall be deemed to enhance, affect, impair, or otherwise prejudice any rights, claims, or defenses between the Parties except as set forth herein.

6. The provisions of this Order are non-severable and mutually dependent.

7. Notwithstanding the possible applicability of Rules 4001(a)(3), 6004(h), 7062, or 9014 of the Federal Rules of Bankruptcy Procedure, or otherwise, this Order shall be immediately effective and enforceable upon its entry.

8. This Court retains exclusive jurisdiction with respect to all matters related to the implementation, interpretation, and enforcement of this Order.

[Signature Page Follows]

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– and –

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